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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/642,299 | 08/18/2003 | Wae-Honge Chen | LIE 176 | 2013 |
| 7590 | 11/10/2005 | | EXAMINER | |
| RABIN & BERDO, P.C. Suite 500 1101 14 Street, N.W. Washington, DC 20005 | | | MENON, KRISHNANS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1723 | |

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JK

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/642,299 | CHEN ET AL. |
| | Examiner | Art Unit |
| | Krishnan S. Menon | 1723 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claims 1-7 are pending as originally filed

Specification

Page 4, line 8: first concave portion "21" seems to be a typo; it is labeled "11" in the drawing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Breuer et al (US 6,409,072)

Claim 1: Breuer teaches a microfilter (figures, especially, 5) comprising of plurality of filtering channels (1) and through channel structures (figure 5: three layers are shown, top and bottom layers would be filtering channels, middle layer, being oriented perpendicular to the top and bottom layers, would be through channel structure). Concave portion on the top surface and the two first channel portions being the ends wherein the holes 9 are located in the filtering channels. Second through hole would be the side hole in the middle layer. "For filtering blood cells" is intended use and has no patentable weight.

Claim 2: The channel portions have plurality of channels and openings – see figure.

Claim 3: second channel portions – see middle layer in the figure.

Claims 4 and 5: silicon and anode joint: column 5 lines 36-56 teaches silicon and anode joint.

Claim 6: the construction is an array or stack – see figures.

Claim 7: this independent claim further adds the details of the through channel structure, which can be seen in the middle layer of figure 5. The two second channel portions on opposite ends are the depressions at the end regions of the channels where the through holes are; the plurality of channels are open at both ends; and the base structure can be the filtering channel layer or the through channel structure as in figure 4, or they can be installed on a larger base as in column 12 lines 1-4, or have closure segments as in column 14 lines 54-62. In case of closure segments, there would be through holes inherently present for communication with the channels. “[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968); In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976).

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashmead et al (US 5,690,763).

Ashmead teaches a plurality of filtering channels and through channel structures (200/300/400/500/600 or 700 – figure 2 or 3) each having a concave surface, with

channel portions opposite each other having channels and openings and through holes, they are stacked in an array, end or base structures (100 or 1000) with through holes, have channels and channel openings. Material can be silicon – see column 3 lines 7-15. Re anode joining, this is a method of making the joint, which is a process step in a product claim, which is not patentable. Also, the reference teaches photolithographic methods among others for the forming process. See figures, column 3 lines 35-67.

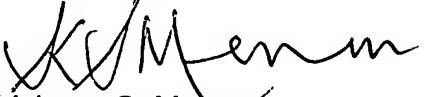
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1723



Krishnan S. Meher

Patent Examiner

November 3, 2005